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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/561,157

12/16/2005

Shuuji Kitazawa

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7590

07/16/2009

AKERMAN SENTERFITT

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EXAMINER

AMADIZ, RODNEY

ART UNIT

PAPER NUMBER

2629

MAIL DATE

DELIVERY MODE

07/16/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/561,157	<b>Applicant(s)</b> KITAZAWA, SHUUJI	
	<b>Examiner</b> RODNEY AMADIZ	<b>Art Unit</b> 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 13-15, 17 and 20-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-15, 17 and 20-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/16/05 &amp; 11/21/08</u> .                                 | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Election/Restrictions*

1. Claims 1, 2, 6, 9-12, 28 and 29 are cancelled and withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on June 5, 2009.

### *Specification*

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 13-15, 17, 20-23, 25 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Watanabe (USPGPUB 2002/0145587—hereinafter “Watanabe”).

As to **Claim 13**, Watanabe teaches an input device which inputs information into an electronic apparatus (**See Fig. 1**), comprising:

an operation section (**Fig. 1, elements 2-8**) which changes into plural states (**See Figs. 2B, 2C, 5B, 5C and 7**) and is for inputting information into said electronic apparatus which detects said plural states (**Pg. 2, ¶ 28-29 and Pg. 5, ¶ 73-80**); and

a processor (**memory and control means**) which allocates information codes in association with said plural states of said operation section (**Pg. 2, ¶ 27-29**),

wherein said information codes allocated by said processor are input into said electronic apparatus (**Pg. 5, ¶'s 73-80**).

As to **Claim 14**, Watanabe teaches that said processor has groups of information codes which are hierarchized in association with said operation section and associated with said plural states of said operation section, and determines one information code based on selection of one group of information codes by detecting any of said plural states of said operation section (**Fig. 3-5c, 7, 8A, 8B and 9A and Pg. 2, ¶ 27-31 and Pg. 4, ¶ 69—Pg. 6, ¶ 89**).

As to **Claim 15**, Watanabe teaches that said processor detects one information code by an acceptance-decision operation at said operation section (**Pg. 5, ¶ 79—Pg. 6, ¶ 89**).

As to **Claim 17**, Watanabe teaches an input device which inputs information into an electronic apparatus (**See Fig. 1**), comprising:

an operation section (**Fig. 1, elements 2-8**) which changes into plural states (**See Figs. 2B, 2C, 5B, 5C and 7**) and is for inputting information into said electronic apparatus which detects said plural states (**Pg. 2, ¶ 28-29 and Pg. 5, ¶ 73-80**); and

a processor (***memory and control means***) which allocates information codes in association with said plural states of said operation sections (***Pg. 2, ¶ 27-29***),

wherein said processor has information codes for replacing some of said information codes (***Fig. 3, 11-14 and Fig. 5A and Pg. 4, ¶ 69—Pg. 5, ¶ 78***).

As to **Claim 20**, Watanabe teaches a display section (***Fig. 1, elements 9 and 10***) which displays said plural states of said operation section, or associations of said plural states of said operation section with said information codes allocated by said processor (***Fig. 6 and Pg. 5, ¶'s 73-78***).

As to **Claim 21**, Watanabe teaches that said display section displays said groups of information codes (***Pg. 2, ¶ 27-31 and Pg. 5, ¶ 73-78 and 88***).

As to **Claim 22**, Watanabe teaches that said display section displays a direction of a force to be applied to a finger tip for operating said operation section and an arrangement of said groups of information codes in association with each other (***Pgs. 5 and 6, ¶ 88***).

As to **Claim 23**, Watanabe teaches that said display section emphatically displays said selected group of information codes (***Pg. 2, ¶ 27-31, Pg. 5, ¶ 73-78 and 88 and Pg. 7, ¶ 119***).

As to **Claim 25**, Watanabe teaches that all of or a part of a display of said display section is displayed on a display section of said electronic apparatus into which said information code is input (***See Fig. 17 and Pg. 8, ¶ 127***).

As to **Claim 26**, Watanabe teaches an analog input section (**Fig. 1, element 3**) for inputting analog information into an electronic apparatus, wherein said operation section and analog input section are operable simultaneously (**Pg. 5, ¶ 73-78**).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe in view of Kim (USBPUB 2002/0063687—hereinafter “Kim”).

As to **Claim 24**, Watanabe fails to teach that said display section aggregates a candidate table comprising said groups of information codes at a bottom layer, an input-candidate-information code selected from said candidate table, and input- decision-information code decided by said acceptance-decision operation and displays them. Examiner cites Kim to teach a display section (**Fig. 5, 18**) which aggregates a candidate table comprising said groups of information codes at a bottom layer (**Fig. 5, Sb1-Sb3**), an input-candidate-information code selected from said candidate table (**note placement of cursor**), and input- decision-information code decided by said acceptance-decision operation and displays them (**note top of display for inputting the telephone number 012-345-679 and Pgs. 3 and 4, ¶ 65**). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the

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teachings of Kim, that is, aggregating a candidate table, an input-decision-information code and an input-decision-information code in a display, in the input device taught by Watanabe in order to facilitate the users' selections through visual feedback.

### ***Inquiries***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RODNEY AMADIZ whose telephone number is (571)272-7762. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on (571) 272-3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sumati Lefkowitz/

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Supervisory Patent Examiner, Art Unit 2629

/R. A./

Examiner, Art Unit 2629

7/14/09